

13 CV 2208

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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OKSANA S. BAIUL and OKSANA, LTD,

*Plaintiffs,*

— against —

STEPHEN DISSON and DISSON SKATING, LLC,

*Defendants.*  
-----X

Civil Action No. 13 civ 2208 (KBF)(DF)  
ECF CASE

**NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT,  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Without submitting to the jurisdiction of this Court and without waiving any available defenses, including, without limitation, lack of jurisdiction, improper venue or insufficient service of process, Defendants STEPHEN DISSON and DISSON SKATING, LLC ("Disson"), by their undersigned attorneys and pursuant to 28 U.S. C. §§ 1332, 1441 and 1446, hereby remove the above-captioned case pending in the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

As grounds for removal Defendants state as follows:

1. On or about February 26, 2012, Plaintiffs Oksana S. Baiul ("Baiul") and OKSANA, LTD initiated this action by filing a Summons and Complaint in New York State Supreme Court, County of New York. This case was assigned the index number of 151698/2013 (the "State Court Action").

2. All Defendants were allegedly served on March 7, 2013. *See Exhibit A hereto*, which are copies of the related Affidavits of Service filed by Plaintiffs in this action. Thus, this Notice of

Removal is being filed within 30 days of the date on which Defendants received a copy of the Summons and Complaint.

3. A true and correct copy of the Summons and Complaint is annexed hereto as Exhibit B. Upon information and belief, no other pleadings have been served, and no orders have been entered.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between Plaintiffs (Pennsylvania) and Defendants (Maryland, New Jersey and Virginia), and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs (Complaint at ¶¶ 55, 66, 77, 88, 99, 110, 121, 132, 143, 154, 165, 176, 187, 198, 209, 220 and wherefore clause).

5. According to Defendant Stephen Disson, a Member and the President of Disson Skating, LLC:

I am a citizen and resident of the State of Maryland. The sole three members of Disson Skating, LLC are citizens and residents of the States of Maryland, New Jersey and Virginia. Disson Skating, LLC is organized under the laws of the State of Virginia and has a principal place of business in Virginia.

(Accompanying March 29, 2013 Affidavit of Stephen Disson).

6. According to the Complaint (¶ 1), Baiul resides in Pennsylvania and is the sole owner of Oksana, LTD, which is a "Pennsylvania corporation."


7. Pursuant to 28 U.S.C.A. § 1446(d), Defendants will file a copy of this Notice of Removal with the Clerk of the Supreme Court, New York County, and will serve a copy of the same on counsel for Plaintiffs.

**WHEREFORE**, Defendants give notice that the action titled *BAIUL, et al v. DISSON, et al*, bearing Index No. 151698/2013 in the New York State Supreme Court, County of New York, is removed to the United States District Court for the Southern District of New York, and requests that this Court retain jurisdiction for all further proceedings.

Dated: New York, New York  
April 3, 2013

Yours, etc.,  
TACOPINA, SEIGEL & TURANO, P.C.

By:

  
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